APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,444	12/05/2003	Suresh Annappindi	132770.0101	1021

27557   7590   10/05/2010
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ART UNIT	PAPER NUMBER
3626	

MAIL DATE	DELIVERY MODE
10/05/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _21 September 2010_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-9, 11-15, 17, 18, 20, 22, 24, 25, 27, 29 and 30_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-9, 11-15, 17, 18, 20, 22, 24, 25, 27, 29 and 30_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some *   c) ☐ None of:
         1. ☐ Certified copies of the priority documents have been received.
         2. ☐ Certified copies of the priority documents have been received in Application No. _____.
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/21/2010 has been entered.

Response to Amendment

As per the Office Action mailed 06/21/2010:

The rejection of claim 20 under 35 USC 112, second paragraph is hereby withdrawn in view of Applicant's amendment to claim 20.

The rejection of claim 30 under 35 USC 101 is hereby withdrawn in view of Applicant's amendment to claim 30.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim(s) 1-9, 11-15, 17-18, 20, 22, 24-25, 27, 29-30 is/are rejected under 35

U.S.C. 103(a) as being unpatentable over Callen (6332125) in view of Guiso (An

Empirical Analysis of Earnings and Employment Risk, mailed 03/16/2009) and Karni

(Optimal Unemployment Insurance: A Survey, mailed 06/21/2010).

As per claim 1, Callen teaches a computer-based method (Abstract) capable of

analyzing unemployment risk (reads on "predicting and scoring an unemployment

probability") for an employee (Figure 1, 2), comprising:

(a) collecting, with the computer, employee data (Figure 8C-8D);

(b) determining, with the computer unemployment risk for the employee's

employer (reads on "employment and unemployment data") (Figure 1).

Assuming *arguendo* that Callen does not teach "employment and unemployment"

data.

Guiso teaches collecting employment and unemployment data regarding the

North and South regions of the country (page 250 Table 5, page 246 Table 2).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the teachings of Guiso within the embodiment of Callen with the motivation of determining the risk of unemployment.

Callen further teaches:

(c) calculating, with the computer, the unemployment risk for the employee based on unemployment data (Figure 2);

(d) generating an unemployment insurance premium based on the risk score (Figure 5).

It is noted that the claim only requires "generating… unemployment premium for the individual employee". Examiner has interpreted this limitation to recite that an unemployment policy is generated, wherein the insurable event is the unemployment of the employee. The claim does not require that the contract be signed by the employee or that the employee be the payor of the premium.

In the interest of compact prosecution for Applicant, and especially since Applicant argues this feature, Examiner hereby submits art for the feature of an unemployment insurance policy entered into by the employee and wherein the employee pays the premium for this policy.

Callen and Guiso do not teach a private unemployment insurance policy wherein the employee enters into this contract and pays for the premium.

Karni teaches that an unemployment insurance (UI) program may be funded by the employee (page 3 paragraph 1).

Karni further teaches that an employee may take out UI if they employee is aware of unemployment risk (page 9 paragraph 2), thereby suggesting that individual employee may partake in UI programs at will.

Karni further teaches offering UI coverage to unemployed people (page 31 paragraph 2). Clearly, unemployed people do not have employers and must pay for the coverage themselves.

Karni further teaches an employee paying UI premiums (page 58 paragraph 2).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the teachings of Karni within the embodiment of Callen and Guiso with the motivation of accurately price UI coverage based on the employee's unemployment history (Karni; page 58 paragraph 2).

As per claim 2, Callen teaches collecting the employee's salary (Figure 2).

Regarding the remaining recited data elements, to the extent Applicant would argue that the applied art do not teach a particular claimed data, the distinction is a matter of the content of the information, that is, descriptive material. Patentable weight need not be given to descriptive material absent a new and unobvious functional relationship between the descriptive material and the substrate (here the system). See In re Lowry, 32 F.3d 1579, 1582-83 (Fed. Cir. 1994). In re Ngai, 367 F.3d at 1338. See also, Ex parte Mathias, 191 Fed. Appx. 959 (CCPA 2006).

In that regard, Applicant has not come forward with evidence sufficient to show that the structure of the claimed system is functionally affected by the data inputs as in

the applied art. Absent such evidence, it is reasonable to conclude that the claim limitations to generic data are descriptive and not functionally related to any structure of the claimed system and as such falls under the category of patentably inconsequential subject matter. See Ex parte Curry, 84 USPQ2d 1272, 1275 (BPAI 2005) (informative) ("Common situations involving nonfunctional descriptive material are: - a computer-readable storage medium that differs from the prior art solely with respect to nonfunctional descriptive material, such as music or a literary work, encoded on the medium, - a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer), or - a process that differs from the prior art only with respect to nonfunctional descriptive material that cannot alter how the process steps are to be performed to achieve the utility of the invention.

Thus, if the prior art suggests storing a song on a disk, merely choosing a particular song to store on the disk would be presumed to be well within the level of ordinary skill in the art at the time the invention was made. The difference between the prior art and the claimed invention is simply a rearrangement of nonfunctional descriptive material.)." See also Ex parte Mathias, 84 USPQ2d 1276 (BPAI 2005) (informative).

Nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. In re Ngai, 367 F.3d 1336, 1339 (Fed. Cir. 2004). Cf. In re Gulack, 703 F.2d 1381, 1385 (Fed. Cir. 1983) (when descriptive material is not

functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

Nevertheless, these data are rendered optional by the limitation "selected from the group consisting of".

As per claim 3, Guiso teaches historical employment and unemployment data for 1995 (reads on "historical") (page 246 Table 2).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Guiso within the embodiment of Callen, Guiso, and Karni with the same motivation as applied to claim 1 above, and incorporated herein.

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per claim 4, Callen teaches segmenting employees into risk pools (Figure 2). Callen does not teach segmenting national data.

Guiso teaches dividing the population into a plurality of segments (page 246 Table 2).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Guiso within the embodiment of Callen, Guiso, and Karni with the same motivation as applied to claim 1 above, and incorporated herein.

As per claim 5, Callen teaches income classification (Figure 2).

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per claim 6, Callen teaches employment risk for the employer (Figure 5).

This is considered to be a form of estimating unemployment for the employee vis-à-vis the employer's unemployment risk because this risk directly affects the employee.

As per claim 7, Callen teaches determining a plurality of unemployment periods (Figure 1) based on income (Figure 2).

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per claim 8, Guiso teaches the 1995 Survey of Household Income and Wealth (reads on "other economic data") (page 241 Abstract).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Guiso within the embodiment of Callen, Guiso, and Karni with the same motivation as applied to claim 1 above, and incorporated herein.

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per claim 9, Callen teaches providing unemployment insurance (Abstract) based on a particular technique to categorize risk (Figure 1-2).

Callen further teaches customizing the policy features based on the insured' preference (Figure 5).

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per the set of claim(s): 11, this set of claim is rejected for substantially the same rationale as applied to the rejection of the set of claim(s): 9, respectively, and incorporated herein.

As per claim 12, Callen teaches using historical unemployment data to estimate the unemployment risk for each cell (Figure 1).

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per claim 13, Callen teaches providing enhanced coverage up to the insured-selected limit (Figure 8L) (It is noted that the insured is considered to be an "employee").

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per claim 14, Callen teaches providing payments to unemployed persons who have not applied for state unemployment benefits (reads on "no existing private unemployment insurance coverage") (column 9 line 60-64).

As per claim 15, Callen teaches providing payments to unemployed persons who have applied for state unemployment benefits (column 9 line 60-64).

While Callen does not teach "private unemployment insurance coverage", private UI insurance is known, as discussed above and incorporated herein.

At the time the invention was made, it would have been obvious to supplement private UI insurance with the motivation of providing supplemental insurance.

As per claim 17, Callen teaches using underwriting data comprising stop loss percentage (reads on "loss amount and rates") to price the premium (column 8 line 16-23).

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per claim 18, Callen teaches:

(a) providing notice of duties of the insured after notice (reads on "eligibility guidelines") (Figure 8M);

(b) providing relevant information (reads on "proof") before providing payout (Figure 8M).

As per claim 20, Callen teaches providing document from the employer (reads on "verified source") (Figure 8M).

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per claim 22, Callen teaches reducing adverse selection and keeping the product profitable (reads on "profit margin") (column 1 line 49-53).

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per claim 24, Callen teaches a grace period (reads on "waiting period") (Figure 8O).

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per the set of claim(s): 25, this set of claim is rejected for substantially the same rationale as applied to the rejection of the set of claim(s): 1, respectively, and incorporated herein.

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per the set of claim(s): 27, this set of claim is rejected for substantially the same rationale as applied to the rejection of the set of claim(s): 1, respectively, and incorporated herein.

In particular, the applied art suggest calculating a plurality of coverage options for the employee insured based on risk data and administering the policy with a computer.

Regarding the remaining recited data elements, similar rationale as applied to claim 2 above is incorporated herein.

As per claim 29, Callen teaches entering employer-derived data and weighting this data (reads on "reason codes") (Figure 5).

As per the set of claim(s): 30, this set of claim is rejected for substantially the same rationale as applied to the rejection of the set of claim(s): 1, respectively, and incorporated herein.

Response to Arguments

Applicant's arguments filed 09/21/2010 have been fully considered but they are

not persuasive.

On page 15-16 Applicant argues:

> Unlike *Callen*, the present invention does not use an employer's past termination
>
> behavior to calculate unemployment risk or an unemployment risk score. Being the only thing
>
> that is used to calculate the probability of unemployment in *Callen*, the present invention
>
> analyzes unemployment risk and provides UI based upon said risk. The current invention also
>
> does not use a tier-based model to provide the UI. There is only one premium calculated for
>
> each employee and no need to provide 3 different levels of coverage in the UI model. Also,
>
> there is no maximum number of employees from one employer that could receive UI and UI
>
> payouts upon termination, since each employee is given a policy based upon his unique personal
>
> and employment related information. *Callen* does not teach or suggest that employment data is
>
> used to determine an unemployment risk. Thus, the claimed invention is distinct and non-
>
> obvious as related to *Callen*.

Applicant appears to be arguing that the applied art does not teach "calculating…

an unemployment risk score… based upon… employment data".

Words of the claim are generally given their ordinary and customary meaning,

unless it appears from the written description that they were used differently by the

applicant. Where an applicant chooses to be his or her own lexicographer and defines

terms with special meanings, he or she must set out the special definition explicitly and

with "reasonable clarity, deliberateness, and precision" in the disclosure to give one of

ordinary skill in the art notice of the change. See Teleflex Inc. v. Ficosa North America

Corp., 299 F.3d 1313, 1325, 63 USPQ2d 1374, 1381 (Fed. Cir. 2002), Rexnord Corp. v.

Laitram Corp., 274 F.3d 1336, 1342, 60 USPQ2d 1851, 1854 (Fed. Cir. 2001), and

MPEP § 2111.01. Pursuant to 35 U.S.C. § 112, 2nd paragraph, "[i]t is applicant's

burden to precisely define the invention, and not the [examiner's]." In re Morris, 127

F.3d 1048, 1056, 44 USPQ2d 1023, 1029 (Fed. Cir. 1997). Therefore, **it would not be

proper for the examiner to give words of the claim special meaning when no such

special meaning has been defined by the applicant in the written description.**

Furthermore, it would not be proper for the examiner to allow a claim and issue the

application with an examiner's statement of reasons for allowance setting forth the

special definition given to the words of the claim when no such special definition has

been defined by the applicant in the written description.

In this case, Applicant does not define what constitutes "employment data".

When read in light of the specification and the level of ordinary skill in the art,

Examiner interprets this limitation to recite any data capable of representing

employment.

As acknowledged by Applicant, the applied art calculates unemployment by

using data representing the hiring and firing behavior of an employer.

This is a form of "employment data".

If Applicant disagrees, Applicant is suggested to provide a controlling definition

for "employment data".

On page 16 Applicant argues:

Guiso is an analysis of employment risk and the way in which it relates to the distribution of income among the population. *Guiso* bases the risk of unemployment on a telephone survey in which respondents answered "their chances of having a job in the 12 months following the interview." (*Guiso* p. 242). Not only is this information based upon subjective speculation on the part of the survey respondent, there is no empirical manner to determine the basis upon which the answer is based. *Guiso* also uses data related to **any** change in employment status, whether it is voluntary or involuntary.

The present invention does not use any subjective information from an employee to calculate the unemployment risk score or unemployment probability. *Guiso* does not teach or suggest that employment and unemployment data can be used to determine the risk of unemployment. There is no way in which to manipulate the subjective survey answers of *Guiso* into an objective, fact based unemployment probability. Subjective information has no place in the claimed invention, because it is not capable of contributing to the calculations and the claimed invention only uses objective information. As such, the claimed invention is distinct from *Guiso* and not made obvious by any of the manipulation of subjective data in that article.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., objective data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 17 Applicant argues:

> *Kami* is a compilation and summarization of multiple articles concerning possible ways in which to implement unemployment insurance. Specifically, the Examiner relies on *Kami* to show that UI policies have been theorized wherein the employee himself enters into the policy and also pays for it. However, there is no specific mention of the way in which an employee must enter into the UI policy or how to pay for it in the claimed invention. Furthermore, someone paying for their own insurance does not render claim 1 unpatentable.

Claim 1 does not require entering into a UI policy or paying the premium. Examiner has explicitly stated this in the previous Office Action and above.

Nevertheless, Examiner has applied art to the concept of entering into a policy contract and paying for such policy. See above.

On page 17 Applicant argues:

> The claimed invention implements an entirely different method of determining unemployment risk and relies upon completely distinct information to calculate the risk. *Callen* does not teach collecting employment data in order to create an unemployment probability. The employee data collected in *Callen* is used to determine the maximum amount of money an employee may receive from the UI, based upon his job type and salary earned; not to determine unemployment risk. The claimed invention collects employment data so that it may create an unemployment risk score based upon the employee-specific information. The employee's collected information is then analogized to models which indicate how likely an employee is to be involuntarily terminated based upon certain job and personal characteristics. Thus, *Callen* does not make the collection of such data in the claims obvious.

As discussed above, the claim only requires generic limitations of "employment and unemployment data".

This limitation is so broad as to envelop just about any type of data representing the hiring and firing behavior and characteristics of any employer.

On page 167-18 Applicant argues:

> Also, figure 2 of *Callen* does not teach calculating the unemployment risk for the employee based on unemployment data, as per claim 1. Figure 2 is a visual depiction of the way in which *Callen* classifies employees. On pages 8-9 of the office action, the Examiner contends that Figure 2 teaches segmenting employees into risk pools. Figure 2 cannot and does not teach both of these things. Classifying employees in some manner does not teach calculating an unemployment risk based on unemployment data, especially when the classifications are based upon employee data (the employee's salary, tenure and job classification). The present invention calculates an unemployment risk score for an employee based upon unemployment data, but *Callen* does not teach to do so and so it does not obviate that aspect of claim 1.

Regardless if Callen teaches risk pools or not, Callen teaches that some data descriptive of the unemployment risk is used to estimate the unemployment risk.

This teaching fully meets the broad limitation of "employment and unemployment data".

On page 18 Applicant argues:

> With respect to claim 6, *Callen* does not teach an employment security score. The claim
> calculates an employment security score for the *employee*, not the *employer*. It is a measure of
> how secure the employee's job is based upon his specific characteristics and compared to models
> which predict job security based upon certain characteristics.

Applicant acknowledges that Callen teaches an employment security score.

Consequently, all employees working for this particular employer would have this score.

On page 18 Applicant argues:

> With respect to claims 18 and 20, the Examiner relies on Figure 8M of *Callen*. First,
> Figure 8M is only a definitions page for terms which may appear in a hypothetical insurance
> contract. In no way does providing the definition of a term teach that such a term or idea must
> be or is actually used. More specifically, "providing relevant information," as the Examiner
> alleges reads on "proof" in claim 18, is vague and could apply to almost any type of information
> whatsoever. As such, it does not teach or suggest the features of claims 18 and 20.

The applied art is commensurate with the scope of the claim.

As acknowledged by Applicant, the claimed limitation is so broad as to envelop

just about any type of data capable of being used in the claimed manner.

On page 18-19 Applicant argues:

The Examiner suggests that claim 2 and other similar claims constitute nonfunctional descriptive material and so are not entitled to patentable weight. However, in the context of nonstatutory subject matter, the phrase descriptive material is used to identify things like music or data arrangements (nonfunctional), or data structures and computer programs which imparts

functionality when employed as a computer component (functional). See MPEP 2106.01. The present invention clearly does not fall into either category. It is nothing like music or an arrangement of data. And, it is not merely a data structure or a computer program.

Rather, the claims define the variables which are the invention. The claimed invention specifies exactly what data is utilized in the system to determine the unemployment risk. These data elements are obtained from the employee and depending upon the variable value the employee represents, the variable is assigned a designated coefficient. Each coefficient also has a different weight, which is constant, representing the relative importance each variable has to the overall unemployment risk. Once the values are determined, a calculation is done by the computer which represents the unemployment risk of that certain employee. Calculating an unemployment risk for an employee is a practical result of all that employee's information and leads to the creation of a risk score and eventually an UI premium, all of which are practical, tangible outgrowths of the compilation and manipulation of the employee's gathered information. The calculation is useful as a determination of how likely an employee is to be involuntarily terminated, allows the employee to take steps to either avoid termination or find new employment if necessary, and allows a private unemployment insurer to offer an UI policy to the employee. All of these are practical applications of the unemployment probability and unemployment risk score calculations, and as such it is respectfully submitted that they are not descriptive material, but instead are entitled to patentable consideration.

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., what each piece of data represents, how each variable is weighted,) are not

recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re*

Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

To properly overcome this rejection, Applicant is suggested to do the following:

(a) specifically define what is included or excluded by each data variable;

(b) specifically define the algorithm that uses the recited data variables to

functionally produce a result that is directly dependent on the recited data variables.

Absent this recitation, all data variables are nonfunctional descriptive material

because the claim does not specifically recite what is included and excluded by the data

variable, and how the composition of the individual data variable ultimately affects the

outcome of the data processing algorithm.

Conclusion

Applicant is invited to contact Examiner to obtain clarification on how to

specifically claim the argued data variables and processing.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tran (Ken) N. Nguyen whose telephone number is 571-

270-1310. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:00 pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Morgan can be reached on 571-272-6773. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tran Nguyen/

Examiner, Art Unit 3626

09/30/2010